

Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, DC 20554

In The Matter of)

 Billed Party Preference)
 For InterLATA 0+ Calls)

CC Docket No. 92-77

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

**RESPONSE OF LCI INTERNATIONAL TELECOM CORP.
 TO OPTICOM'S PETITION FOR RECONSIDERATION**

LCI International Telecom Corp. ("LCI"),¹ by its attorneys and pursuant to Section 1.429 of the Commission's rules,² files this response to the Petition for Reconsideration of the Commission's Second Report and Order filed by One Call Communications, Inc., d/b/a OPTICOM ("Opticom") in the above-captioned proceeding.³ Like Opticom, LCI is encountering a difficulty in implementing the rate disclosure requirement for one type of collect call -- interstate, interLATA automatic collect ("auto collect") calls.⁴ Although LCI anticipates it will file a waiver petition in the near future addressing these difficulties in detail, Opticom's petition suggests that the problem may be more widespread than LCI had believed. If this is a

¹ LCI submits this response on behalf of itself and its affiliate USLD Communications, Inc. ("USLD").

² 47 C.F.R. § 1.429(f).

³ *In the Matter of Billed Party Preference for InterLATA 0+ Calls*, Second Report and Order on Reconsideration, CC Docket No. 92-77, rel. Jan. 29, 1998 ("Second Report and Order"). Opticom's Petition for Reconsideration of the Second Report and Order was filed with the Commission on April 9, 1998. Notice of this and the filing of other Petitions for Reconsideration of the Second Report and Order was published in the Federal Register on April 21, 1998. 63 Fed. Reg. 19726 (Apr. 21, 1998).

⁴ Auto collect calls are collect calls processed by computers and do not require the participation of a live operator.

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broadier problem, it would be appropriate to grant reconsideration of the implementation date for all automated collect calls.

Introduction

Commission Rule 64.703(a)(4), adopted in the Second Report and Order and set to go into effect on July 1, 1998, requires that operator service providers (“OSPs”), such as LCI, provide consumers with the option of receiving branded rate information prior to incurring any charges.⁵ In the case of collect calls, the new rule requires that this option be provided to *both* the calling and the called parties.⁶

In its Petition for Reconsideration, Opticom states that it is in the process of exploring the technical feasibility of providing an on-demand rate branding option to the called party on a collect call.⁷ Opticom estimates that, depending on the technical feasibility of complying with the Commission’s new rule, “it will take, at minimum, at least six months” to install, integrate and “debug” the equipment, hardware and software necessary to provide a branded rate information option to the called party on collect calls. Thus, Opticom specifically requests that the Commission reconsider its decision to require compliance with the new rules by July 1, 1998. Opticom does not state, however, whether its difficulty extends to all collect call situations or only those in which automated collect systems are used.

⁵ 47 C.F.R. § 64.703(a)(4).

⁶ The applicable definition of “consumer”, found in Section 64.708 of the Commission’s rules provides that:

Consumer means a person initiating any interstate telephone call using operator services. *In collect calling arrangements handled by a provider of operator services, both the party on the originating end of the call and the party on the terminating end of the call are consumers under this definition.*

47 C.F.R. § 64.708(d) (emphasis added).

⁷ See *Opticom Petition for Reconsideration*, at 1-2, and n.7.

I. LCI CANNOT PROVIDE AUTO COLLECT SERVICES IN COMPLIANCE WITH RULE 64.703(a)(4) BY JULY 1, 1998

To the extent the petition relates to automated collect calls, LCI supports Opticom's request that the Commission reconsider its decision to require compliance with Rule 64.703(a)(4) by July 1, 1998. Like Opticom, LCI has determined that it will be impossible for it to complete the technical changes necessary to provide auto collect services in compliance with the new rule by that date. In light of this shortcoming, LCI anticipates that it soon will file a request seeking a limited waiver of Rule 64.703(a)(4) until compliance can be achieved late this year.⁸ However, to the extent that this problem is one that is industry-wide and not limited to Opticom and LCI, LCI believes that it would be appropriate for the Commission to postpone the required compliance date and avoid multiple waiver requests by promptly adopting an order on reconsideration.

LCI currently provides both live operator collect and auto collect calling services to its customers. In assessing the technical requirements of complying with Rule 64.703(a)(4), LCI has determined that significant equipment upgrades must be developed and implemented before it can provide an on-demand rate option to the called party on auto collect calls. Without these upgrades, it is not technically possible for LCI to provide a rate quote, or to transfer the party on the terminating end of an auto collect call to a live operator for a rate quote.⁹

LCI already has commenced the development of the system upgrades necessary to achieve compliance with the new rule. However, in the case of auto collect systems, time for

⁸ LCI also anticipates that it will file a similar waiver request with respect to its provision of auto collect services to prison inmates.

⁹ On operator-handled collect calls, LCI intends to have its operators provide the required disclosure to the called party and provide a rate quote, if requested.


additional development and the implementation and testing of hardware and software upgrades is necessary. LCI's engineers currently estimate that the entire process can be completed by the end of the calendar year. Thus, it will be impossible for LCI to bring its auto collect service into compliance with Rule 64.703(a)(4) by the current July 1, 1998 deadline.

The fact that Opticom and LCI share an inability to bring auto collect calls into compliance with the new rule by July 1, 1998 suggests that the problem may not be isolated but, instead, may be industry-wide. If this is the case, consumers, in the absence of appropriate Commission action herein, could be stripped of auto collect service options until OSPs, like LCI, can implement the technical changes necessary to bring their services into compliance later this year. Rather than foreclosing this service option, LCI respectfully submits that – if, this problem is indeed wide-spread – administrative efficiency suggests the Commission should reconsider and postpone the effective date of Rule 64.703(a)(4) with respect to auto collect services, as requested by Opticom. Accordingly, to the extent Opticom's petition refers to the provision of a rate disclosure to the called party in an auto collect situation, LCI supports reconsideration of the effective date of Rule 64.703(a)(4).

Respectfully submitted,

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May 6, 1998

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CERTIFICATE OF SERVICE

I, Patricia A. Bell, hereby certify that I have, this 6th day of May, 1998, served a true and correct copy of the foregoing **RESPONSE OF LCI INTERNATIONAL TELECOM CORP. TO OPTICOM'S PETITION FOR RECONSIDERATION**, via hand delivery and/or first-class mail, postage prepaid to the attached service list.



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